

DAVID EARL MILLER,	)	
NICHOLAS TODD SUTTON,	)	
STEPHEN MICHAEL WEST,	)	No. 3:18-cv-01234
TERRY LYNN KING,	)	Judge Campbell
	)	
Plaintiffs,	)	Death Penalty Case
	)	<i>Execution date Dec. 6, 2018</i>
v.	)	<i>for David Miller</i>
	)	
TONY PARKER, Commissioner,	)	
Tennessee Department of Correction,	)	
in his official capacity,	)	
	)	
and	)	
	)	
TONY MAYS, Warden,	)	
Riverbend Maximum Security	)	
Institution, in his official capacity,	)	
	)	
Defendants.	)	

COMES NOW Plaintiffs David Earl Miller, Nicholas Todd Sutton, Stephen Michael West, and Terry Lynn King, by and through counsel, and asks this Court to set a date for argument on Plaintiffs' Motion for Temporary Restraining Order (After Notice) and/or Preliminary Injunction (R.7) and a date before which Plaintiffs shall file their reply to Defendants' response thereto. Plaintiffs' motion involves complex issues regarding the application of equitable doctrines which can only be resolved by either this Court's independent review of the voluminous record in

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*Abdur'Rahman v. Parker*, No. M2018-01385-SC-RDO-CV, \_\_\_ S.W.3d. \_\_\_, 2018 WL 4858002 (Tenn. Oct. 8, 2018) or by inquiries to counsel who are already familiar with that record. Accordingly, the argument on this matter serves both the interests of judicial economy and the interests of justice.

Counsel for Plaintiffs have consulted with opposing counsel regarding the setting of a date for argument on Plaintiffs' motion. *See* R.9. Opposing counsel declined to agree to a date for, or to the necessity of, argument.

Respectfully submitted,

FEDERAL DEFENDER SERVICES  
OF EASTERN TENNESSEE, INC.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2018, this Request for Hearing was filed electronically via the Court's electronic filing system upon the following person. Parties may access this filing through the Court's electronic filing system.

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